

City of Memphis

Ordinance No. 5561

MODIFYING the provisions of the Memphis, Tennessee, Code of Ordinances, Title 6 – Business Licenses and Regulations, Chapter 6-44 – Limousine, Shuttle and Other Vehicles for Hire, Article 2. Certificate of Public Convenience.

WHEREAS, The Memphis City Council (“the Council”) has an interest in ensuring that seniors and visually impaired residents in Memphis have affordable and convenient means of transportation and “door through door” assistance where necessary, so that they may access grocery stores, doctors’ offices, and other locations in the community; and

WHEREAS, non-profit organizations can offer these transportation and related services to seniors and visually impaired residents at an affordable rate because they use volunteer drivers and receive donations; and

WHEREAS, current public vehicle licensing requirements complicate the ability of non-profit organizations to use volunteer drivers in order to keep the cost of their transportation services low; and

WHEREAS, The Council wishes to ensure the safety of seniors and visually impaired persons who use these services by imposing certain restrictions; now, therefore,

BE IT ORDANINED by the Council of the City of Memphis, State of Tennessee:

Section 1. QUALIFYING ORGANIZATIONS:

Name: Charitable Non-Profit Transportation Providers

Classification: 501c3 non-profit organizations chartered under the laws of the State of Tennessee, with the specific stated focus on individuals with special needs, such as elderly and visually impaired, accountable to federal and state government.

Definitions:

Charitable Non-Profit Transportation Provider “CNPTP”: A 501c3 organization dedicated, at least in part, to helping meet the special transportation needs of individuals in the City of Memphis that adheres to every element of “Classification.”

Charitable Non-Profit Transportation Vehicle: a vehicle for hire provided by a local non-profit charitable organization affiliated with a State or national non-profit charitable organization to transport persons who are elderly or visually impaired.

Section 2. PERMITS:

Type: Qualifying organizations must obtain a CNPTP permit which would have to be renewed annually, with a copy of the affiliate agreement with the State or national organization.

Application for License.

Applications for a CNPTP permit shall be made to the city manager or his designee upon forms provided by the city manager or his designee. At a minimum, these forms shall set forth the name and address of the applicant, the class of each vehicle for which a license is desired, the seating capacity, the design, color scheme, and lettering and marks, if any, to be used on the vehicle, and any other information required by the city manager. Upon the first application, the applicant shall pay to the city treasurer upon filing for each such public vehicle license the sum of \$10 which fee shall not be refunded. If the application is approved, the applicant shall furnish the city treasurer prior to the issuance of the decal information covering the particular vehicle to be licensed the make, the state license number, where applicable, the length of time the vehicle has been in use, and the name and address of the person from whom the vehicle was purchased, and any other information required by the city manager, pertinent to the issuance of a license. When an unpaid, citizen volunteer drives his or her own personal vehicle to assist the CNPTP with rides for the special transportation needs of individuals, this license requirement shall not apply.

Fees: There shall be no annual fee for charitable, non-profit organizations or for any vehicles used.

Section 3. INSURANCE:

Requirements: Insurance certification is required, and the City of Memphis is exempted and indemnified against all claims.

Type and Amount: Each CNPTP shall maintain the following insurance:

1. Director's and Officer's Insurance.
2. General liability/ Business Owner's Insurance. Minimum coverage of \$1 million for each injury, \$1 million for all injuries, and \$1 million property damage.
3. Auto Insurance. This insurance protects the CNPTP and CNPTP employees. Vehicles owned by the CNPTP will be covered under an automobile liability policy with limits of one million dollars (\$1,000,000) combined single limits auto liability-bodily injury and property damage and one million dollars (\$1,000,000) uninsured motorist, property damage and bodily injury.
4. Auto Insurance – Hired & Non-Owned. This insurance will be carried only if it is available in the Geographic Service Area. This insurance protects the CNPTP, not the drivers. The driver's own insurance is primary in an accident. The Hired coverage protects the CNPTP when there is use of a rental/leased vehicle by the

CNPTP. The Non-owned coverage protects the CNPTP in the event a volunteer driver has an accident in a vehicle not owned by the CNPTP and damages exceed coverage under his/her primary insurance policy. The limits for hired and non-owned will be one million dollars (\$1,000,000) should this coverage be available.

5. Worker's Compensation Insurance. As required under Tennessee law.

Qualifying Organizations: Each qualifying organization shall obtain and at all times during the term of this Agreement maintain in force and pay the premiums for comprehensive general liability insurance, including complete operations coverage and, unless such coverage is not available in the Geographic Service Area, non-owned automobile coverage, with an established and reputable insurer, with limits of liability for bodily injury of not less than one million dollars (\$1,000,000) for each injury and one million dollars (\$1,000,000) for property damage in each occurrence.

Volunteer Drivers: Volunteer drivers must carry their own automobile coverage at or above the state level. The volunteer driver's insurance is primary.

Section 4. REGULATION OF DRIVERS:

Regulation of Drivers shall be the province of the non-profit organization, and said organization must provide satisfactory certification and supervision of its drivers. State of Tennessee driver's license and approved safety record is acceptable. Every volunteer driver must have an acceptable background check.

Section 5. ESTABLISHED NEED:

There is insufficient specialized public transportation to meet the needs of the rapidly aging population, and without adequate mobility, older people cannot access healthcare, nutrition, or any kind of social or civic engagement. Older people have the highest fatal crash rate of any group except teenagers, and without adequate transportation options, they are more likely to drive when they should not, at risk to themselves, their families and the community.

Section 7. MISCELLANEOUS

Volunteer Drivers: Volunteer drivers shall receive no monetary compensation for their services, other than mileage reimbursement or credit as allowed by the IRS for their actual expenses.

Certificate of Public Convenience and Necessity Exemption: Qualifying organizations are not required to obtain a certificate of public convenience and necessity pursuant to the Memphis Code of Ordinances.

THE FOREGOING ORDINANCE
5561 PASSED
1st Reading 8-5-2014
2nd Reading 8-19-2014
3rd Reading 9-02-2014
Approved: [Signature] Chairman of Council
Date Signed: 9-16-14
Approved: [Signature] Mayor, City of Memphis
Date Signed: 9/22/14
I hereby certify that the foregoing is a true copy, and said document was adopted by the Council of the City of Memphis as above indicated and approved by the Mayor.
[Signature] Comptroller